

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
ISHRA R. WESTERN,

Plaintiff,

USDS SDNY
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DOC #: <u>4/1/08</u>
DATE FILED: <u>4/1/08</u>

07 Civ 06247 (PKC)

-against-

AMERIPATH INC.,

Defendant.

-----x
**ORDER DENYING
APPOINTMENT
OF COUNSEL**

P. KEVIN CASTEL, District Judge:

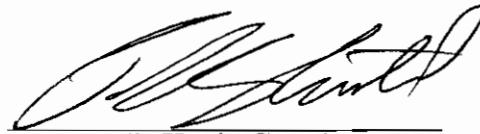
Plaintiff, proceeding pro se, seeks the appointment of counsel in this civil case. Under the authority of 28 U.S.C. § 1915(e)(1), “[t]he court may request an attorney to represent any person unable to afford counsel.” In assessing plaintiff’s application, I have first examined the substance and likely merits of the underlying claims as they appear at this [early] stage of the proceeding. I have also examined, to the extent that the existing record permits me to do so, the plaintiff’s “ability to investigate the crucial facts, whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder, the [plaintiff’s] ability to present the case, the complexity of the legal issues and any special reason in that case why appointment of counsel would be more likely to lead to a just determination.” Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986).

Plaintiff, a former “accounts Manager” for a pathology services company complains, among other things, of unlawful discrimination and retaliation in employment. Plaintiff appears to be intelligent and able to conduct the necessary pretrial proceedings in this case. She will have access to the Court’s Pro Se Office.

I deny plaintiff’s application for the appointment of counsel without prejudice to its renewal at a later stage of this case.

I have granted plaintiff's application for poor person status.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
March 31, 2008